

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY DOWNING,

Petitioner,

v.

CASE NO. 05-CV-70398-DT  
HONORABLE LAWRENCE P. ZATKOFF

RAYMOND BOOKER,

Respondent.

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**ORDER GRANTING PETITIONER'S MOTION TO AMEND THE EXHIBITS  
AND DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL**

Petitioner Anthony Downing has applied for the writ of habeas corpus under 28 U.S.C. § 2254. Currently pending before the Court are Petitioner's motion for appointment of counsel and his motion to amend an exhibit to the habeas petition.

The motion to amend seeks to substitute a corrected copy of the state court's opinion on direct review for an inaccurate copy of the opinion that is attached to the habeas petition. The Court GRANTS Petitioner's motion [Doc. 26, Oct. 26, 2005] and accepts the amended state court opinion, which is attached to Petitioner's motion to amend.

The pending motion for appointment of counsel alleges that Petitioner is unable to retain counsel and that he lacks legal training and adequate access to a good law library. "[T]here is no constitutional right to counsel in habeas proceedings," *Post v. Bradshaw*, 422 F.3d 419, 425 (6th Cir. 2005) (citing *Coleman v. Thompson*, 501 U.S. 722, 752-53 (1991)), *cert. denied*, \_\_\_ U.S. \_\_\_, 126 S. Ct. 1621 (2006), and the interests of justice do not require appointment of counsel at this time.

Therefore, Petitioner's motion for appointment of counsel [Doc. 27, Jan. 26, 2006] is DENIED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: August 22, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 22, 2006.

s/Marie E. Verlinde

Case Manager

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